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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

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JOHN H. SCHOPPE,

Plaintiff,

v.

STATE OF UTAH, et al.,

Defendants.

**ORDER ADOPTING REPORT AND  
RECOMMENDATION**

Case No. 1:20-cv-00082-DB-JCB

District Judge Dee Benson

Magistrate Judge Jared C. Bennett

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Before the court is the Report and Recommendation issued by the magistrate judge on September 14, 2020. (Dkt. No. 7.) The magistrate judge recommends that the court dismiss this action with prejudice. The magistrate judge also recommends that the court deny Plaintiff's motion to "allow a book" as an exhibit to his complaint and Plaintiff's motion for preliminary injunctive relief.

The parties were notified of their right to file objections to the Report and Recommendation within 14 days of service pursuant to 28 U.S.C. § 636 and Fed. R. Civ. P. 72. Plaintiff objected to the Report and Recommendation on September 21, 2020. (Dkt. No. 8.)

De novo review of all materials, including the record that was before the magistrate judge and the reasoning set forth in the Report and Recommendation, has been completed. Having carefully reviewed the record, as well as the arguments set forth in Plaintiff's Objection, the court finds that the analysis and conclusion of the magistrate judge are correct, and the Report and Recommendation will be adopted.

The magistrate judge recommends that Plaintiff's Complaint be dismissed because it fails to state a plausible claim for relief and because it is frivolous. The court agrees. Construing Mr. Schoppe's pro se pleadings liberally, as the court must here, it is obvious that Plaintiff's complaint is conclusory and devoid of the factual support required by Rule 8 of the Federal Rules of Civil Procedure. *See* Fed. R. Civ. P. 8. In his Objection, Plaintiff fails to provide any additional facts to sufficiently support the allegations in his Complaint.

The court also agrees with the magistrate judge's recommendation to deny Plaintiff's pending motion to allow a book as an exhibit to his complaint (Dkt. No. 4) and motion for preliminary injunctive relief. (Dkt. No. 6.) Concerning the first motion, Plaintiff fails to demonstrate the relevance of the requested book exhibit to his Complaint in either his motion or his Objection. Concerning the second motion, Plaintiff's lack of factual support in his Complaint and his Objection render him unlikely to succeed on the merits of his claims and therefore, Plaintiff is not entitled to a preliminary injunction.

It is hereby ORDERED that the Report and Recommendation (Dkt. No. 7) is ADOPTED, and Plaintiff's Complaint is hereby DISMISSED WITH PREJUDICE under the authority of the IFP Statute. *See* 28 U.S.C. § 1915(e)(2)(B)(i)-(ii). It is further ORDERED that Plaintiff's motion to allow a book as an exhibit (Dkt. No. 4) and Plaintiff's motion for preliminary injunctive relief (Dkt. No. 6) are DENIED.

DATED this 13<sup>th</sup> day of October, 2020.

BY THE COURT

A handwritten signature in black ink, reading "Dee Benson", is written over a horizontal line.

United States District Judge Dee Benson